INFORMATION LETTER

Not for Publication — NATIONAL CANNERS ASSOCIATION — For Members Only

NO. 942 — Washington, D. C. — JULY 10, 1943

Mandatory Grade Labeling, Not Based on Commercial Usage, is Prohibited

Congress Passes Amendment to Price Control Act which Imposes Strict Limitations on Controls Exercised by OPA

During the week prior to its recess on July 8, Congress enacted legislation practically restricting the powers of the Office of Price Administration, and prohibited all mandatory grade labeling or the required use of standards or specifications in the sale of commodities, including required invoice statement of standards, except where the standards in question were previously in general use in the industry or previously lawfully required by statute or regulation of some other government agency. These limitations are contained in the form of an amendment to Section 2 of the Emergency Price Control Act of 1942, as amended, which adds the following language:

"(j) Nothing in this Act shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the Administrator to require the grade labeling of any commodity; (3) as authorizing the Administrator to standardize any commodity, unless the Administrator shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such commodity; or (4) as authorizing any order of the Administrator fixing maximum prices for different kinds, classes, or types of a commodity which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another government agency.

This amendment was jointly sponsored by Senator Taft and Representative Andresen, who had been principally instrumental in securing Congressional limitations on OPA authority. It arose out of the objections which Price Administrator Brown offered to the Andresen amendment which had been included in the appropriation act for the OPA, and which prohibited the use of funds "for the promulgation or enforcement of orders requiring grade labeling or standardization of food products." Price Administrator Brown stated to the Senate Committee on Banking and Currency that he feared the proviso in the appropriation bill would "nullify his price-fixing system

(Concluded on page 7760)

CONGRESS VOTES NO CURBS ON CCC SUBSIDY PROGRAM

Net result of Congressional action, before Congress recessed, on the controversial questions in the Commodity Credit Corporation bill and the appropriation bill providing funds for the Office of Price Administration is:

1. Life of the Commodity Credit Corporation is extended to January 1, 1944, and its funds increased by $350,000,000.

2. No restrictions are placed upon the use of Commodity Credit funds for subsidy payments or roll-backs of prices.

3. Emergency Price Control Act of 1942 is amended to clarify the intent of Congress with respect to the power of the price control agency to compel changes in business practices, cost practices or methods, or means or aids to distribution established in any industry. This amendment relates particularly to elimination or restriction of the use of trade and brand names and to grade labeling and standardization; it is discussed in the article above.

4. Prohibition of the use of OPA funds for the payment of salaries or expenses of any person who directs the formulation of any price policy unless, in the judgment of the Administrator, such person is qualified by experience in business, industry or commerce; this prohibition does not apply to the Administrator or Acting Administrator.

5. Appropriation of $155,000,000 for the Office of Price Administration instead of the $177,000,000 asked by Administrator Brown.

The two measures have gone to the President for approval.

MAXIMUM PRICES ISSUED FOR CANNED VEGETABLES

Flat Ceilings Set for Three Items; Formulas for Others

Maximum prices for canned vegetables were announced by the Office of Price Administration in Amendment 9 to Maximum Price Regulation 306, issued July 5, copies of which were mailed by the Association to all canners. These prices became effective July 10 and apply to all sales of the 1943 pack of these canned vegetables. In the sale of any of these items packed during 1942, the 1942 ceiling prices are applicable.

Following is a brief summary of the method of calculating the ceiling prices for the various products. Actual calculations can be made only by following the detailed directions given in the text of the amendment, which, as previously stated, has been mailed to all canners.

Peas, Tomatoes, Corn, Snap Beans

Prices to the civilian trade of these four principal canned vegetables were changed only slightly from those previously issued. (See INFORMATION LETTERS for March 27, April 3, and April 10.) Pea prices were advanced slightly for a few items only. For example, an increase of 5 cents per dozen on No. 2 cans was allowed for all grades of 1-Sieve Alaskas; Extra Standard and Standard Ungraded Alaskas, all grades of 2-Sieve Sweets, and Fancy and Extra Standard 3-Sieve Sweets. Fancy 4-Sieve Sweets and Ungraded Standards were likewise advanced 5 cents. Separate prices were assigned for Sweets, all grades, 5-Sieve and up.

A new region, consisting of Washington, Oregon, California and southwestern Idaho, was added to the corn price schedule. Prices for the other regions were not changed.

The tomato price schedule is the same as that previously issued.

The snap bean price schedule was increased for Region III. The snap bean price increase amounts to 2½ cents per dozen for all grades and sieves packed in 2's and 2½'s, and 10 cents per dozen for 10's. The price of Extra Standard 5-Sieve and up and Extra Standard Ungraded in No. 2½ cans for Region VI should be $1.675.

Through an error in the printed order, the price was given as $1.625.

Can sizes not listed in the schedule of prices for peas, tomatoes, corn and snap beans are priced as follows:

No. 303 tin—85 per cent of the No. 2 price.

No. 1 tin—70 per cent of No. 2 price.

16 oz. glass—For peas, same as No. 2 price; for corn and beans, 2½ cents over the No. 2 price. No glass price for tomatoes.

Prices for sub-standard grades are fixed at 10 cents under the No. 2 price for Standard.

Army Prices: The maximum price to be paid by the Army for these four major canned vegetables is determined for No. 2 cans by multiplying the civilian price (the price appearing in the schedule) by .96. To this is added a factor to cover the increased raw product cost (this increase in the case of civilian sales is covered by Commodity Credit Corporation subsidy) listed for each State. The price thus calculated applies to all Army sales in States where no adjustment was allowed for wage increases. The Army price in the 14 States for which labor adjustments were allowed is calculated by adding the percentage increase indicated in the order. This percentage varies from 2 to 4½ per cent.

Lima Beans, Beets and Carrots

The 1943 maximum price for the civilian trade for these items is to be calculated for each canner by formula as follows:

The 1942 raw product cost as reported under MPR 152 is to be subtracted from the 1942 ceiling price. The 1943 support price (converted to the canned basis) is then added. This gives the canner's ceiling price for his civilian trade. The Army price is 96 per cent of the civilian price.

Vegetables Having No Support Price

Pumpkin, and squash, pimientos, pickles, okra, etc., are to be priced by formula. Each canner starts with his 1942 ceiling price as reported under MPR 152 and adds 20 per cent of the 1942 raw product cost. This gives the 1943 ceiling price for the civilian trade. The Army price will be 96 per cent of the civilian price.

In the 14 States for which labor adjustments were allowed, both the civilian and the Army prices may be increased by 4½ per cent to cover increased wages.

Tomato Products

Catsup, chili sauce, puree, paste, juice and sauce are priced by formula under Amendment 9, as follows:

Each canner takes his 1942 ceiling, subtracts the raw product (tomato) cost as reported under MPR 152, and adds the 1943 raw product cost as determined by the CCC resale price.

The Army price is determined by multiplying the civilian price by .96 to which is added the CCC subsidy (difference between purchase and resale price expressed in terms of finished product).

Both the civilian and the Army prices may be increased for the 14 States in which labor adjustments are permitted by multiplying by the appropriate factor given in the order. These factors permit an increase of from 2 to 4½ per cent for tomato juice and from 2 to 4 per cent on other tomato products.

Asparagus, Spinach, Mustard Greens, and Turnip Greens

These items are all flat priced in the order for the civilian trade. The Army price is 96 per cent of the civilian price.

On asparagus, where flat prices are given by regions, both the civilian and the Army price may be increased from 2 to 4 per cent to allow for higher wages in the 14 States where wage adjustments have been allowed.

On spinach, mustard greens and turnip greens the increase on account of permitted wage adjustments is 4½ per cent, applicable to both the civilian and Army prices.

Blackeye Peas and Crowder Peas

These items are priced for both the civilian trade and the Army the same as Alaska peas.

Grades on Invoices

Amendment 9 made a number of changes in the section requiring the statement of grade on the invoices and restricting the use of a single brand name to one grade of a particular fruit or vegetable. It is now made perfectly clear that where a processor uses only one brand name for one grade of a fruit or vegetable, he may sell under such brand name without the addition of any distinguishing words or symbols. The regulation formerly might have technically permitted a private label buyer to purchase different grades of the particular fruit or vegetable from two packers and sell both under the same brand name. The amendment prohibits this by making the restrictions applicable "to all brand owners, whether or not processors."

Corrections in Text of Order

Several apparent errors, in addition to the one on the price of Ungraded Extra Standard cut snap beans previously noted, occurred in the printed copy of Amendment 9 to MPR 306.

On page 1, first column, line 12, the section reference should be "1. Section 1341.533 (b)."

On page 1, second column, lines 21 and 22 should be transposed.

On page 7, in the table for corn, Ohio should be added to the list of States in Group II.

On page 8, in the table for snap beans, Group VI—California, Oregon, and Washington, should be added; the adjustments for this group are the same as for Group V.

On page 5, in the table for snap beans, under Region III the cents per dozen price for No. 2 cans in Texas (Fannin, Lamar, Red River, Bowie and Cass counties) should be .08.

FERTILIZER ORDER ISSUED

Covers Distribution of Current Supply And Revises Crop Listings

Improvement in the supply outlook for chemical fertilizers during the year ahead is reflected in the new Food Production Order No. 5, governing the delivery and use of fertilizer in 1943-1944. The revised order, issued by the War Food Administration, July 6, follows the general lines of the original order (INFORMATION LETTER, January 23, 1943, p. 7454) with some exceptions, as follows:

The new order covers specifically the distribution of all fertilizers containing nitrogen, phosphorus and potash while the original order pertained primarily to the distribution of fertilizers containing chemical nitrogen.

The grades of fertilizer now permitted to be used compare more favorably in nitrogen content than those permitted last year. The customary rates of application may be used but not in excess of recommendations of State agricultural experiment stations.

Beets, kale, peppers, spinach, prunes, figs, raisins, apricots and peaches have been eliminated from the list of Group A crops, which have priority on the delivery of fertilizer. However, growers of B crops are not required to furnish a history on the use of fertilizer on these crops in order to be eligible for fertilizer, and this change will permit the use of fertilizer by farmers who have not previously used fertilizers on B crops. The application rate on B crops will be the usual rate for the area, but not above the rate recommended by the State experiment station.

The order continues the provision under which farmers are required to make application to their local dealers for the purchases of fertilizer according to their crop requirements. In addition to application for fertilizer needed this fall, growers under this plan may also apply for fertilizer needed for use next spring.

Manufacturers, dealers and agents are required to make deliveries of fertilizer for A crops before such deliveries are made for B crops. However, in order to insure preference for A crops when fertilizer is needed for both A and B crops at the same time, applications for fertilizer for A crops must be made at least 30 days in advance of the time required.

NATIONAL CANNERS ASSOCIATION

Washington, D. C.

July 10, 1943

CORRECTION

Through an error in the first full paragraph, second column, page 7752 of the Information Letter, it was stated that both civilian and Army prices for tomato products may be increased for the 14 states in which labor adjustments are permitted. Instead the amendment provides for adjustments for labor costs in the case of Army prices only. No such adjustment is permitted in the price of tomato products for civilian trade.

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BERRY AND CHERRY PRICES

Ceilings Established for RSP Cherries And 7 Types of Berries

Specific prices which canners or other processors may pay for red sour pitted cherries and seven varieties of berries were announced July 5 by the Office of Price Administration. The new prices were established in Maximum Price Regulation No. 425. At the same time OPA and the War Food Administration announced a ceiling price for sour cherries for fresh distribution to reflect 10 cents a pound to growers for cherries packaged for fresh market shipments, effective July 10. Text of the governing sections of MPR 425 follow:

Article II—Pricing Sections

SEC. 3. *List of maximum prices for fresh fruits sold for processing.* In sales to any processor, the seller's maximum prices for the following listed fresh fruits shall be (prices include delivery to the processing plant):

VARIETY:	Cents per pound
Cherries, red sour pitted.....	8½

SEC. 4. *List of maximum prices for fresh berries sold for processing.* In sales to any processor, the seller's maximum prices for the following listed fresh berries shall be (prices include delivery to the processing plant):

VARIETY:	Cents per pound
Red raspberries	15
Black raspberries	13
Youngberries	12
Boysenberries	12
Loganberries	12
Blackberries	12
Gooseberries	8

(Editor's Note—In the case of all other berries, except strawberries, ceiling prices for the 1943 pack will permit each processor to pay 3 cents more per pound than the weighted average price which he reported as his raw product cost under the provision of OPA price regulations covering the 1942 pack.)

Article III—General Provisions

SEC. 6. *Maximum prices for fresh fruits, berries and vegetables of lower than specified grade.* The maximum price for sales of any fresh fruit, berry or vegetable of lower than specified grade shall be the maximum price established for the lowest specified grade of that particular commodity under the applicable provisions of this regulation.

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization shall be given by order.

Dry Edible Bean Sales Price Differential Revised by OPA

Differentials allowed between grades of Marrow and Yellow-eye dry edible beans in sales (except wholesale and retail) were revised by the Office of Price Administration on July 6, to lower the price of these beans. This brings price differentials between grades of these two classes in line with those for other classes.

The new maximum price for U. S. No. 2 Marrows is $7 per hundredweight instead of $7.05 and for U. S. No. 3 or lower, $6.75 instead of $6.80. The maximum prices for Yellow-eyes are the same. This pricing makes the spread in these varieties the same as in all others.

Previously, through error, there had been a spread of 10 cents per 100 pounds between U. S. No. 1 and U. S. No. 2 grades for these two classes. This increases the differentials to 15 cents per 100 pounds and lowers U. S. No. 3 and lower grade prices by 5 cents per 100 pounds also.

At the same time, existing packaging differentials were extended to all grades of beans included in the regulation. These previously had applied only to U. S. No. 1, U. S. No. 2 and U. S. No. 3 or lower grades.

This action was taken through Amendment No. 6 to Revised Maximum Price Regulation No. 270, effective July 12.

Dried Fruit Adjustments

The Office of Price Administration has announced that inventory adjustments will be made in the case of institutional users having ration points tied up in dry and dehydrated fruits which on March 29 were removed from rationing and are not now rationed.

The order applies to all except Group I institutional users, such as small boarding houses, which do not receive food allotments but obtain foods by using the ration stamps of persons living in the establishments.

EIGHT BERRIES ADDED TO FROZEN FRUIT ORDER

Ceiling Prices to Apply Whether Goods Are Barreled or Packaged

Eight additional varieties of berries have been added by the Office of Price Administration to those priced under the regulation covering frozen fruits, berries and vegetables, which was published in the INFORMATION LETTER for June 19.

This is a formula regulation and the amendment, which became effective July 5, made it plain that the formula covered these eight even when they were packed in barrels. Previously, it was announced that berries packed in barrels would be flat-priced. This was not feasible, however, in the case of the eight added products, which are frozen blueberries, cranberries, currants, dewberries, elderberries, huckleberries, johnsonberries and olympic berries.

The new ceiling prices for these berries will reflect actual raw material cost increases up to a maximum of 3 cents a pound, raw weight, a figure recommended by the Department of Agriculture as being the normal increase in growers' raw berry prices over last year's levels. This action was taken through Amendment No. 1 to Maximum Price Regulation No. 409 (Frozen Fruits, Berries and Vegetables—1943 Pack and After).

Amendment No. 1 substitutes the following two paragraphs governing barreled products:

"Listed barreled products for which maximum prices are 'to be announced' continue to be subject to Maximum Price Regulation No. 207.

"Barreled products which are not listed shall be priced under Section 3 as if they were packed in barrels".

The prices for strawberries specified in MPR 409 are not changed by the new amendment.

Following is text of the change made in Section 3 of MPR 409 by Amendment 1:

Section 3(b) (2) is amended by adding the following new paragraph and table after the second paragraph and table and before the last paragraph, which begins with the words, "Commodities for which no figure is named . . .".

In the case of the following commodities, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under Section 1351.202(b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based

on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis).

Variety	Maximum price per pound *Cents*
Blueberries	3
Cranberries	3
Currants	3
Dewberries	3
Elderberries	3
Huckleberries	3
Johnsonberries	3
Olympic berries	3
Other varieties	(To be announced)

TOMATOES FOR PROCESSING

USDA Issues Preliminary Estimates Of Prospective Plantings

The 1943 preliminary estimate of acreage planted to tomatoes for canning and the manufacture of tomato products is 615,800 acres, according to a report issued by the Department of Agriculture, July 8. This acreage is about 2 per cent less than the 627,050 acres planted in 1942.

The most drastic reduction in acreage for this season is indicated for California, Utah, and Colorado, where plantings are expected to be 10 per cent less than those of 1942. Reduced acreages also are indicated for New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, and Missouri.

Increases are in prospect for Delaware, Maryland, Virginia, Tennessee and Kentucky.

States	1942 Planted	1943 Preliminary	As per cent of 1942
	Acres	*Acres*	*Per cent*
New York	24,800	24,300	98
New Jersey	40,700	34,600	85
Pennsylvania	28,800	30,800	107
Ohio	34,000	30,300	89
Indiana	105,000	105,000	100
Illinois	11,200	10,700	96
Michigan	9,000	8,800	98
Iowa	5,400	5,000	109
Missouri	24,200	23,200	96
Delaware	11,900	13,500	113
Maryland	67,000	72,400	108
Virginia	34,000	36,700	108
Kentucky	8,400	8,700	104
Tennessee	13,500	14,600	108
Arkansas	31,200	31,000	99
Colorado	4,400	4,900	111
Utah	9,100	9,100	100
California	124,680	111,000	89
Other States	39,770	40,300	101
Total	627,050	615,800	98.2

PEAS FOR PROCESSING

USDA Estimates of Yield Indications For 1943 Show Increase

Production of green peas for canning and freezing and other processing, according to yield indications on July 1, will be 454,370 tons this year as compared with 424,010 tons last year. The production forecast for 1943 includes all the potential crop in Washington and Oregon, in which States part of the production in recent years has been harvested as dry peas because canning facilities were not available for the total crop. The indicated yield on July 1 was 1,872 pounds as against 1,935 pounds in 1942.

State	Acreage: Harvested 1942	Acreage: Planted 1943	Production: 1942 Revised	Production: Indicated 1943
	Acres	*Acres*	*Tons*	*Tons*
Maine	5,470	5,500	5,200	5,220
New York	46,000	25,800	47,840	14,190
Pennsylvania	15,300	17,900	11,250	16,560
Ohio	8,500	8,200	6,380	4,510
Indiana	14,800	15,700	11,470	10,200
Illinois	21,100	22,100	20,150	17,680
Michigan	13,000	14,400	11,900	7,920
Wisconsin	148,000	163,100	130,240	138,640
Minnesota	38,100	46,500	36,580	40,690
Iowa	3,800	4,400	3,270	3,700
Delaware	4,000	4,000	2,200	2,600
Maryland	15,200	16,600	9,120	14,610
Virginia	4,350	4,500	1,940	3,940
Colorado	4,940	6,100	4,540	6,100
Utah	15,200	16,400	21,200	20,500
Washington	34,800	45,500	40,020	64,840
Oregon	21,200	47,900	40,280	62,270
California	3,700	4,500	3,550	4,950
Other States	16,760	16,430	16,820	15,250
Total	434,230	485,530	424,010	454,370

Acreage Estimate for Beets

A preliminary estimate by the Department of Agriculture of the acreage planted to beets for processing (including dehydrating), in 1943, shows 19,320 acres. This estimate of the 1943 planted acreage compares with 18,060 acres planted in 1942. Acreage increases are indicated for Wisconsin, New York, and New Jersey.

States	1942 Planted	1943 Preliminary	As per cent of 1942
	Acres	*Acres*	*Per cent*
New York	5,400	5,600	104
New Jersey	750	900	120
Indiana	400	400	100
Michigan	1,200	1,200	100
Wisconsin	5,000	5,400	108
Oregon	1,660	2,660	160
Other States	3,650	3,160	86.6
Total	18,060	19,320	107.0

Snap Beans for Processing

Production of snap beans for canning and freezing in 1943, based on yield indicated on July 1, is 247,870 tons as compared with 234,800 tons in 1942. The indicated yield this year is 1.51 tons per acre, against 1.73 tons last year.

State	Acreage: Harvested 1942	Acreage: Planted 1943	Production: 1942 Revised	Production: Indicated 1943
	Acres	*Acres*	*Tons*	*Tons*
Maine	2,220	3,150	6,000	8,300
New York	12,500	13,500	26,200	25,600
Pennsylvania	4,600	5,200	9,700	7,800
Indiana	2,000	2,400	3,000	2,600
Michigan	6,700	7,900	10,700	10,300
Wisconsin	12,100	15,700	16,900	22,000
Delaware	1,800	2,100	1,800	2,100
Maryland	13,500	14,800	20,200	19,200
Virginia	3,800	4,200	4,900	3,800
N. Carolina	1,200	1,200	1,800	1,400
S. Carolina	2,600	4,100	2,600	3,700
Georgia	5,000	7,000	5,000	7,000
Florida	15,700	24,000	26,700	28,800
Tennessee	3,300	3,900	4,600	5,100
Mississippi	3,800	3,000	3,800	1,500
Arkansas	14,200	15,500	18,500	14,000
Louisiana	4,300	5,000	4,700	6,200
Oklahoma	5,300	6,000	7,400	6,600
Texas	6,000	7,500	9,000	12,000
Colorado	1,500	1,700	4,000	4,000
Utah	1,100	800	3,600	2,800
Washington	2,400	3,500	9,100	15,400
Oregon	4,000	4,400	21,200	25,100
California	960	1,000	4,700	4,500
Other States	5,280	5,950	8,700	7,570
Total	135,860	164,100	234,800	247,870

PROCESSING LIMA BEANS

Indicated Acreage is About 7 Per Cent Below 1942 Planted Figure

The acreage planted to green lima beans for canning and freezing this season is indicated to be about seven per cent below last year's planted acreage. Based on reports received by the Department of Agriculture from processors, plantings in 1943 will total 70,250 acres compared with 75,630 acres in 1942. Maryland is the only important State showing an increase in acreage for 1943.

States	1942 Planted	1943 Preliminary	As per cent of 1942
	Acres	*Acres*	*Per cent*
New Jersey	15,000	12,100	81
Delaware	16,300	15,500	95
Maryland	4,200	4,500	107
Virginia	7,100	5,800	82
Michigan	3,400	2,000	59
Wisconsin	3,400	3,300	97
Other States	26,230	27,050	103
Total	75,630	70,250	92.9

Pimiento Acreage Estimated

The 1943 preliminary estimate of acreage planted in California and Georgia to pimientos for processing is 11,510 acres, according to a Department of Agriculture report issued July 8. This compares with 11,580 acres for 1942.

In Georgia, where most of the acreage is located, condition of the crop on July 1 was generally good. Harvesting this crop should begin about the usual time in early August, the report stated.

Plantings of Kraut Cabbage

According to preliminary estimates plantings of cabbage for sauerkraut totaled 15,900 acres in 1943, compared with 15,350 acres planted in 1942. Of the acreage planted for kraut cabbage this year, about 65 per cent will be under contract. In 1942 only about one-third of the acreage planted was under contract.

State	1942	1943 preliminary	As per cent of 1942
	Acres	*Acres*	*Per cent*
New York	6,100	4,600	75
Ohio	1,800	2,600	144
Indiana	300	800	267
Illinois	230	300	130
Michigan	900	1,200	133
Wisconsin	4,100	4,800	117
Minnesota	160	200	125
Colorado	200	200	100
Washington	300	400	133
Other States	1,260	800	63
Total	15,350	15,900	103.6

Patriotic Poster Supply

The Association's Manpower Division has been notified by the Office of War Information that three of the government posters shown in the folder recently sent out to the industry no longer are available. The folder contained illustrations, along with identifying order numbers, of 13 patriotic posters, suitable for display in canneries.

The three, of which the supply has now been exhausted, are "Kinda Give It Your Personal Attention" (No. 449-799), "More Production — Snowball" (No. 465181), and "When You're AWOL" (No. 469855).

Since these three are not now available, it is suggested that canners confine their selections to the 10 remaining posters shown in the folder. Orders for any of these, made out on the request form that has been supplied, will be handled promptly on receipt by the N. C. A. Manpower Division.

WFA ANNOUNCES PURCHASE PROGRAM FOR VEGETABLES

The War Food Administration on July 8 announced a program under which it will purchase from certified canners all quantities of 10 major products offered until mid-1944 at 95 per cent of the canner's net ceiling price.

Commodities which will be supported through offers to purchase by WFA are: Canned tomatoes, tomato juice, tomato pulp, tomato paste, sweet corn, snap beans, green peas, lima beans, beets, and carrots.

The purchase commitment includes U. S. grades A, B, and C, and all styles, sieve sizes, and can sizes. Offers will be considered only from the certified processor who cans the quantity being offered, and will be received at any time during the 1943 marketing season prior to the following dates: May 31, 1944, for green peas; June 30, 1944, for tomatoes, tomato products, sweet corn, snap beans, and lima beans; and August 31, 1944, for beets and carrots.

The purchase prices are f.o.b. factory, net to the vendor, and relate to the commodity packed with the vendor's commercial label in domestic shipping cases. Inspection of the product will be required, since prices will be based on grade, with the cost of inspection to be borne by the vendor.

Quantities purchased under this program will be removed from the canners' warehouses prior to the beginning of the 1944 season, it was stated.

In view of the anticipated requirements for civilian consumption and the likelihood of continued large government demands, WFA officials said it is unlikely that sizable offers will be made.

Certified canners are those who have been approved by USDA War Boards as having contracted with growers at not less than the specified minimum prices as determined by the War Food Administration.

Canning Industry Advisory Committees Appointed by WFA

The War Food Administration has appointed three national canned food industry advisory committees for fruits, vegetables, and non-seasonal products, respectively. The membership of these committees is as follows:

Fruit—Robert C. Paulus, Ivan Moorhouse, Stanley Powell, Marc C. Hutchinson, Frank H. VanEenwyck, John J. Edwards, George S. Wenger, Roy E. Ingalls.

Vegetables—E. B. Cosgrove, Howard T. Cumming, F. Lowden Jones, Karl K. Mayer, Fondren Mitchell, E. N. Richmond, George T. Sanders, Carl Scudder, F. A. Stare, F. Hall Wrightson, Howard Zeigler.

Non-seasonal—Harold K. Bachelder, E. R. Elwell, Frank Gerber, Fred C. Heinz, Scott A. Holmen, A. C. Dorrance, Jack Morgan, Emil Rutz.

Shook Mark-up Is Authorized

Growers' service organizations were authorized by the Office of Price Administration July 7 to add a mark-up of 10 per cent to their maximum prices in sales of shook and covers to farmers and other fruit and vegetable growers in carload lots.

For sales in less-than-carload lots, a mark-up of 20 per cent is established.

The new mark-ups are provided in Amendment No. 7 to Maximum Price Regulation No. 186 and become effective July 13.

Distributor Mark-ups Are Revised in New Regulation

The Office of Price Administration, in its Maximum Price Regulation No. 421, issued July 8, increased distributor mark-ups for canned fruits and berries and fruit juices except fruit cocktail, pineapple, peaches and pears. Likewise mark-ups were increased for canned vegetables and vegetable juices except corn, green and wax beans, peas, tomatoes and tomato juice.

Thus, the distributor mark-ups of the canned fruits and vegetables representing about 75 per cent of the total pack were not changed by this order.

Wholesalers must have their new ceiling prices figured by August 5, 1943. If, however, the wholesaler does not purchase a stock of canned foods between July 26, the effective date of the order, and August 5, and therefore cannot calculate his ceiling price, he may, under Section 5 of the order, establish his ceiling price after August 5. Such ceiling price, however, must be based on the first delivery of the item received by the wholesaler after August 5.

Changes in ceiling prices, after August 5, may be made by a wholesaler only on receipt of written notice. Section 6 of the order states that ordinarily a written notice telling the wholesaler to refigure his ceiling price will come to him directly from his supplier when the supplier's ceiling price has been changed. The notice is to be attached to the carton or case, or sent with the invoice.

SALMON ORDER AMENDED

Five Additional Types are Priced and Alaska Chinook Is Rolled Back

Dollars-and-cents maximum prices have been established at the canning level for five additional types of canned salmon, and the price of still another type has been rolled back $2 per case, the Office of Price Administration announced July 7.

This action is contained in Amendment No. 2 to Maximum Price Regulation 265, effective July 13, text of which follows:

Maximum Price Regulation 265 is amended in the following respects:

1. The items in the table of Section 1364.562 (a) preceding Columbia River are amended to read as follows:

Variety	Style of container	Price per case
Alaska King	1 lb. talls	$14.00
Alaska Chinook	1 lb. flats	17.60
Alaska Chinook	½ lb. flats	10.00
Alaska Red	1 lb. talls	15.00
Alaska Red	1 lb. flats	15.50
Alaska Red	½ lb. flats	10.00
Coho	1 lb. talls	11.60
Coho	1 lb. flats	12.30
Coho	½ lb. flats	8.00
Coho	¼ lb. flats	5.20
Pink	1 lb. talls	8.00
Pink	1 lb. flats	8.00
Pink	½ lb. flats	5.60
Pink	¼ lb. flats	3.90
Chum	1 lb. talls	7.60
Chum	½ lb. flats	5.40
Copper River Sockeye	1 lb. talls	15.00
Copper River Sockeye	1 lb. flats	16.00
Copper River Sockeye	½ lb. flats	11.00
Puget Sound Sockeye	1 lb. talls	18.00
Puget Sound Sockeye	1 lb. flats	19.00
Puget Sound Sockeye	½ lb. flats	11.40
Puget Sound Sockeye	¼ lb. flats	6.40

2. Section 1364.562 (c) is added to read as follows:

(c) Every canner, in connection with every first sale of ½ lb. flats of canned Alaska Chinook made to every wholesaler and retailer after July 12, 1943, shall attach to each carton, case or container the following notice:

The Office of Price Administration has authorized us to inform you, that if you are a wholesaler or retailer pricing this item under Revised Maximum Price Regulation 237 or 238, that under section 23a of Revised Maximum Price Regulation 237 or section 20a of Revised Maximum Price Regulation 238, you must recalculate your maximum price for this item. This recalculation is allowed only on your first purchase of this item after July 12, 1943.

Pressed Fish Oils Are Priced

Cents-per-pound maximum prices for pressed fish oil delivered in tank cars have been increased to permit processors to continue to manufacture the product needed by vital war industries, the Office of Price Administration announced July 6.

The increase is permitted in Amendment No. 36 to Revised Price Schedule No. 53, effective July 12, which establishes the following prices for tank cars, all duties and taxes paid:

	Cents per pound
Menhaden, crude, f. o. b. producer's plant, Atlantic coast	8.90
Sardine oil, crude, f. o. b. producer's plant, Pacific coast	8.90
Sardine oil, hydrogenated 52°, f. o. b. producer's plant, Pacific coast	10.90
Light, cold pressed fish oil (Menhaden and Sardine), fair average quality, delivered	12.35
Herring oil, crude, f. o. b. Seattle	8.90

Mackerel, Pilchards Offers

Offers of sale forms for the purchase of all government requirements of canned mackerel and canned pilchards have been sent out by the Food Distribution Administration under a purchase announcement dated July 8. Offers may be submitted to the Federal Surplus Commodities Corporation any time prior to December 31, 1943.

In the case of canned pilchards, the announcement states that pilchards packed in tomato sauce are preferred but that pilchards packed natural style will be accepted.

Soft Shell Crab Population Increasing in Chesapeake Bay

The population of soft shell crabs in Chesapeake Bay is apparently continuing the increase it showed last year and the production of crab meat and other crab products in the area is at present limited only by shortages of labor and limited supplies of crab bait.

The production of crab products in the bay fell to 30,000,000 pounds in 1941 but since that time the crab population has shown a "phenomenal" increase, according to a report by John C. Pearson, Fish and Wildlife Service biologist assigned to the area.

An investigation is now underway to determine whether a protective area for spawning crabs which has been set aside by Virginia during each summer since 1941 is responsible for the increase.

"If it can be shown," Mr. Pearson said, "that recent increases in the natural abundance of crabs have been caused primarily by the protection of spawning crabs within a sanctuary, a sound and practical conservation measure of importance has at last been found."

The Chesapeake Bay crab fishery has varied in the past from a production of 60,000,000 down to 20,000,000 pounds. The largest recent production was 57,000,000 pounds in 1939. Following a severe winter and, it is believed, overfishing in 1939, production fell to 42,000,000 pounds in 1940 and 30,000,000 in 1941.

LABELING OF CANNED TUNA

FSA Interpretation Suggests Methods Of Declaring Oil Used in Pack

The Food and Drug Administration issued a trade letter on July 7, representing its policy in the matter of the proper wording for labels on canned tuna fish in lieu of a specific statement naming the oil used. Part of this interpretation was published in last week's INFORMATION LETTER. The interpretation, signed by the Commissioner of Food and Drugs of the Federal Security Agency, follows:

A number of packers have advised us that they anticipate being unable to obtain constant supplies of cottonseed oil during the coming packing season and have requested our comments on various methods of labeling the product packed this season. Our replies were essentially as follows:

(1) Labels reading "Packed in Cottonseed Oil" should not be used on a product which is packed in another oil.

(2) If constant supplies of a single oil or blend of oils is expected to be available, the label should read, for instance, "Packed in Corn Oil" or "Packed in Corn and Soybean Oils."

(3) If it is anticipated that the supplies of oils will vary during the season, no objection will be taken during this emergency period to the temporary use of such a designation as "Packed in Cottonseed and/or Corn and/or Soybean Oils" or "Packed in Salad Oil (Cottonseed and/or Corn and/or Soybean)."

(4) If the emergency facing any one packer is such that he cannot predict whether he can limit his pack to one or more of three oils we would not, for the period of his emergency, take exception to the broader term "Vegetable Oil."

We doubt, however, that cases will arise where none of the oils named on the label will be available, hence we do not anticipate at this time that there will be any need to resort to the statement under (4) above.

Sun-dried Shrimp Prices Set

Cents-per-pound maximum prices for sun-dried shrimp were established July 5 by the Office of Price Administration.

The maximum prices established—35 cents a pound on the platform and 42 cents a pound packaged—represent a rollback from the inflated level to which prices have risen this year.

The new maximum prices are f.o.b. shipper's platform in the first instance and f.o.b. shipping point nearest the packer's warehouse in the second.

This action was taken through Maximum Price Regulation No. 419. The regulation became effective July 10.

Radio Programs To Continue Appeals for Processing Help

A second series of radio appeals on national hookups for help in the processing of this year's pack has been announced by the War Manpower Commission.

The INFORMATION LETTER last week published a list of radio programs on which the appeal would be made during the week of July 5. Following is the list for the week of July 12:

BLUE NETWORK

July 12..	11:00 am	Breakfast at Sardi's
July 14..	1:15 pm	Gospel Singer
July 14..	5:45 pm	Archie Andrew
July 14..	7:30 pm	Lone Ranger
July 15..	12:00 pm	Meet Your Neighbor
July 15..	7:05 pm	Good Ole Days
July 17..	10:00 am	Morning Market Basket
July 18..	3:00 pm	Moylan Sisters
July 18..	3:00 pm	Three Romeos

COLUMBIA BROADCASTING SYSTEM

July 12..	6:00 pm	Quincy Howe
July 12..	8:00 pm	Vox Pop
July 13..	12:00 pm	Kate Smith Speaks
July 13..	6:15 pm	Edwin C. Hill
July 14..	10:00 am	Valiant Lady
July 14..	10:00 am	Sophisticators
July 14..	8:30 pm	Dr. Christian
July 15..	7:00 pm	I Love a Mystery
July 16..	1:15 pm	Ma Perkins
July 16..	7:45 pm	Mr. Keen
July 16..	7:45 pm	Keyboard Harmonies
July 17..	9:45 pm	Pet Milk Serenade
July 18..	7:30 pm	We, The People at War

MUTUAL BROADCASTING SYSTEM

July 12..	3:00 pm	Arthur Gaeth—News
July 12..	8:30 pm	The Better Half
July 13..	4:00 pm	Background For News
July 13..	5:00 pm	Sheelah Carter
July 14..	10:30 am	Shady Valley Folks
July 14..	8:30 pm	Take-A-Card
July 15..	3:00 pm	Arthur Gaeth—News
July 15..	9:30 pm	Sustaining
July 16..	1:00 pm	Q.E.D.
July 16..	5:00 pm	Sheelah Carter
July 17..	10:05 am	Rainbow House
July 18..	10:45 am	Conti's Newscast
July 18..	5:30 pm	Bull Dog Drummond

NATIONAL BROADCASTING COMPANY

July 12..	11:30 am	Snow Village
July 12..	1:45 pm	Carey Longmire
July 13..	4:30 pm	Lorenzo Jones
July 13..	10:00 pm	Johnny Mercer's Music Shop
July 14..	3:45 pm	Right To Happiness
July 14..	11:15 pm	Richard Harkness
July 15..	1:45 pm	Carey Longmire
July 16..	3:15 pm	Ma Perkins
July 16..	6:45 pm	Bob Staunton
July 16..	9:30 pm	People Are Funny
July 17..	2:00 pm	Roy Shields & Co.
July 18..	8:30 pm	One Man's Family

Refrigeration Coils Ruling

The use of seamless steel tubing in the manufacture of finned coil or tube assemblies as part of refrigerating equipment, is permitted until September 15 under Schedule III to Limitation Order L-126, as amended recently by the War Production Board.

EXPLANATION OF WITHHOLDING TAX REQUIREMENTS ON WAGES FOR SEASONAL WORKERS AND SOLDIERS

Treasury Regulations Grant a 30-day Filing Extension for Cases of Intermittent Employment

Any canner who is required under the Current Tax Payment Act to withhold a tax upon the wages of employees must furnish to each employee a written statement (Treasury Form W-2) showing the wages paid and the amount of the tax deducted.

This statement must be furnished to the employee on or before January 31 of each calendar year, except that if the employment is terminated before the close of the calendar year, the statement is to be furnished on the day on which the last payment is made.

Because of the bookkeeping and accounting problem involved in furnishing statements at the time of payment of wages to seasonal employees and to soldiers, who work only a short period during canning operations, inquiries have been made as to whether an extension of time to furnish such statements of taxes withheld on form W-2 may be obtained.

The Advance Treasury Regulations for Collection of Income Tax at the Source on Wages, issued June 28, 1943, grant an automatic extension not exceeding 30 days within which to furnish Form W-2 to the employee where the employment is terminated during the calendar year. The Regulations further provide:

"In the case of intermittent or interrupted employment where there is reasonable expectation on the part of both employer and employee of further employment, there is no requirement that a statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within thirty days from that time."

Consequently, a Form W-2 may be furnished to a soldier within 30 days after he receives his last payment of wages. A seasonal employee, who is laid off but who is expected to be rehired for later packing operations, may be regarded as still on the payroll and the Form W-2 is not required to be furnished until 30 days after the possibility of further reemployment for the various packing operations has terminated.

Sterilizer Limitations Eased

More types and sizes of sterilizers may be produced as a result of the issuance of Limitation Order L-266 by the War Production Board, July 7. As amended, Schedule A of the order is enlarged to include additional sizes of pressure sterilizers of the cylindrical, rectangular, and water pressure types, and non-pressure sterilizers. Pressure cookers designed for processing foods do not come under Order L-266.

Advertising in War Effort

The War Advertising Council, in cooperation with the Office of War Information, has made arrangements for a nation-wide network broadcast to American business men over the facilities of the National Broadcasting Company.

The broadcast will tell the story of the part all citizens can play in total war, with particular emphasis on the leading role the business man can take through advertising. The program is scheduled for July 14 over 138 stations at 1:15 Eastern War Time. This will be 12:15 Central Time, 11:15 Mountain Time and 10:15 Pacific Time.

Donald Nelson, Marvin Jones, Justice Byrnes, and Elmer Davis have agreed to talk and efforts are being made to include Henry Morgenthau, Jr., and Gen. Brehon B. Somervell.

Withholding Tax Not Applicable To Retroactive Wage Increases

The terms of the "withholding tax" provisions of the income tax law are not applicable to retroactive wage increases ordered by the National War Labor Board for work performed prior to July 1, 1943, it was announced July 6.

In a telegram to chairman of the Regional War Labor Boards, Lloyd K. Garrison, Executive Director of the NWLB, announced that the Commissioner of Internal Revenue had ruled that wage awards for work prior to July 1, 1943 are not subject to the provisions of the present law covering collection at the source even though payment is made subsequent to July 1, 1943.

Mr. Garrison called attention to the sections of the Current Tax Payment Act which provide for the withholding of taxes on wage or salary payments which are applicable to payroll periods beginning on or after July 1, 1943 and paid on or after July 1, 1943.

WANTED

(Name furnished on request)

97-W—125-h.p. boiler, either Scotch marine type or return tubular. Must be in first class condition for shipment to Florida.

Food and Drug Policy Favors Public Nutrition Requirements Over Restoration of Values as Basis of Food Fortification

The Food and Drug Administration believes that enrichment or fortification of foods should be based on the deficiencies of nutritional elements in the diet of the general population or important segments of the population, rather than on a principle of restoration to original vitamin or mineral levels of the fortified food.

This position is announced by Acting Federal Security Administrator Watson Miller through the publication of a special statement in the July 1 *Federal Register*. Food and Drug officials state, however, that publication of its position on enrichment in the *Register* gives the statement no more legal force than if it had been issued as a press release or general statement to the food industries. The *Register* was used in order to provide a more permanent handy reference. It was stated also that the statement was not connected with any hearing record. Its purpose was to clarify to the trade the agency's position as to what it regards as the logical basis for food enrichment of standardized or about-to-be-standardized foods. Text of the statement follows:

"The labeling or advertising of a food as enriched with vitamins and minerals is an implied promise to consumers that it contains, in addition to the normal constituents of the unenriched food, sufficient vitamins and minerals to make a substantial contribution to the nutritional welfare of persons eating the enriched food in customary amounts. In order to promote honesty and fair dealing by fulfilling this implied promise, it is necessary that the kinds and quantities of enriching ingredients be determined in the light of deficiencies of the various nutritional factors in the diets of the population in general and of significant population groups, the place occupied by the food in such diets, and the suitability and effectiveness of the food as a carrier of the enriching ingredients without undue separation or loss before consumption.

"Honesty and fair dealing will best be promoted if such enriched foods as are made available to consumers serve to correct such deficiencies and furnish a reasonable margin of safety. Enrichment above the levels required to accomplish this end is wasteful and contrary to the interest of most consumers; nutrient factors in concentrated form are available for use in those special cases of deficiencies in the diets of persons who do not constitute significant population groups. Enrichment of foods with nutrients that are supplied in adequate quantities by the diets of all significant population groups is not only wasteful but tends to confuse consumers as to their nutritional needs.

"Knowledge of the roles in human nutrition of various components of food, particularly the vitamins, is incomplete. There is reason to believe that as new information is developed food factors not now recognized as essential may be shown to be necessary to adequate nutrition.

"Most natural foods contain a wide variety of needed factors in significant amounts. It is highly probable that a diet of unenriched foods so chosen as to contain the required quantities of the presently known needed vitamins and other factors would more nearly supply all needed factors, known and unknown, than a diet which is raised by enrichment to adequacy in the vitamins and minerals now known to be needed.

"Even though adequate nutrition could be better assured through the choice of natural foods than through reliance on enrichment, unenriched foods of the kinds and in the quantities necessary for adequate nutrition are not now available to substantial parts of the population and are not likely to be available soon; nor are most consumers sufficiently educated on nutritional questions to enable them to make an intelligent choice of combinations of unenriched foods on the basis of nutritional values.

"Because of the lack of adequate production of a number of foods high in certain nutrients and the lack of consumer knowledge of nutrition, appropriate enrichment of a few foods widely consumed by the population in general or by significant population groups will contribute substantially to the nutritional welfare of consumers and to meeting their expectations of benefit. Enrichment of those foods which are not a substantial part of the dietary of any significant group tends to confuse and mislead consumers through giving rise to conflicting claims of nutritional values and by creating an exaggerated impression of the benefits to be derived from the consumption of such foods.

"If the customary process of manufacturing a staple food refines it so as to remove significant quantities of nutritive factors present in the natural product from which the food is made, and if the refined food is a suitable and efficient carrier of the factors so removed, some nutritionists advocate the restoration of such factors to the levels of the natural product as the most desirable basis of enrichment. To the extent that restoration serves to correct deficiencies of such factors, it is consistent with the promotion of honesty and fair dealing that refined foods be enriched on a restoration basis. However, when the evidence shows that the restoration levels are too low to correct deficiencies, or that deficiencies exist in other factors for which the refined foods is an efficient carrier, the promotion of honesty and fair dealing may require the inclusion of corrective quantities of nutritive factors in the enriched food even though such factors are present in smaller quantities or wholly lacking in the natural product from which the food is made. Similar considerations may require the enrichment of unrefined foods."

Order Requires Declaration Of Fish Meal Protein Content

Manufacturers of fish meal for mixing purposes, whether sold in bulk, bags, or other containers, hereafter are required to identify the amount of protein in the meal by a tag attached to the bag, or by a certificate of analysis attached to the invoice, the Office of Price Administration said July 5.

Amendment No. 3 to Revised Price Schedule 73, effective July 10, also eliminates the term "grade" from the regulation, and states that fish scrap need not be tagged as to protein content.

Fish scrap, OPA points out, is not sold on a guaranteed protein basis, but on the actual analysis of protein contained in a given lot of fish scraps. Fish meal, on the other hand, is sold on a range of 5 points upwards from the minimum guaranteed analysis, and is paid for at prices scheduled in the regulation according to the amount of protein in the fish meal.

Canned Milk Statistics

Production of evaporated milk (case goods) in May is estimated at 376,015,000 pounds by the Department of Agriculture. This is 16 per cent less than the production for the same month last year. Production for the first five months of 1943 is estimated at 1,332,290,000 pounds, a decrease of 25 per cent from the production during the corresponding period a year ago.

Stocks of evaporated milk held by manufacturers on June 1 amounted to 252,422,000 pounds, which is 14 per cent smaller than the June 1, 1942, stocks.

The May production of condensed milk (case goods) is estimated at 12,500,000 pounds, an increase of 195 per cent over the May production of last year, and the largest May production for any year since 1929. Production during January to May, 1943, inclusive, is estimated at 47,043,000 pounds, an increase of 127 per cent over the production of the same months last year.

Stocks of condensed milk on June 1 totaled 9,121,000 pounds, an increase of 12 per cent over the June 1 stocks of last year.

New WFA Deputy Administrator

The War Food Administration has announced the appointment of William S. Bradley as deputy administrator of WFA in charge of general management activities. He succeeds William E. Byrd, Jr., resigned, who returned to his position as personnel director for the R. H. Macy Company, New York City.

Mr. Bradley came to WFA from Dallas in May, and had worked with Mr. Byrd in management activities. Mr. Bradley first came to Washington in 1933 to assist in setting up the first corn loan program, and continued in charge of that program until 1935 as assistant to the president of the Commodity Credit Corporation.

In 1935 he returned to Iowa as State Director of the Federal Housing Administration, a position he held until 1937 when he went to Texas as president of the General Mortgage Corporation.

Green Heads OPA Accounting

Appointment of Paul M. Green as Director of the Accounting Division of the Office of Price Administration has been announced.

Mr. Green succeeds Herbert F. Taggart, who has accepted a major's commission in the United States Army.

Mr. Green joined OPA in 1941 as Policy Assistant to Dr. Taggart; became assistant chief of the division, and during the past year has served as Associate Chief Accountant and as Chief of the Financial Reporting Branch.

New Canners Association Officers

Officers of the newly formed Louisiana-Mississippi Vegetable Canners Association are as follows: President, A. P. Dorgan, Jr., Dorgan Packing Corp., Biloxi, Miss.; Vice-presidents, A. G. Brush, Mayhaw Canning Co., Laurel, Miss., and G. V. Ketteringham, Ketteringham Canning Co., Ville Platte, La.; Secretary, B. Trappey, B. F. Trappey's Sons, Inc., New Iberia, La.; Treasurer, Julian McPhillips, Southern Shell Fish Co., New Orleans, La.

WPB Directs Paper Production

Demands of the several Claimant Agencies for paper and paper products have become so insistent and the shortages of wood pulp so severe that the War Production Board has found it necessary to assume control over the use of all grades of wood pulp, it has been announced.

The WPB Pulp and Paper Division is empowered to direct the use of any or all wood pulp by manufacturers of paper, paperboard and other products, under General Preference Order M-93 as amended. This will ensure that sufficient wood pulp is reserved for the production of essential paper and paperboard products as well as for the manufacture of certain essential products of the chemical and textile industries, it was stated.

Winter Vegetable Production

The War Food Administration recently requested that the production of fall and early winter vegetables be maintained at the high level of the past two seasons. The request is made at this time in order to give growers time to plan their acreages in accordance with prospective needs. The principal areas affected are southern California, Arizona, Texas and Florida.

Some shifts in production of individual items are suggested in order to emphasize urgently needed crops. Growers are asked to give preference to the production of potatoes and also to cabbage, kale, spinach and other green, leafy vegetables.

To Produce Home Dehydrators

Approval of a plan for producing 100,000 domestic food dehydrators before September 1 has been announced by the War Production Board. This production has been requested by the War Food Administration in time for use in preserving farm and victory garden fruit and vegetable produce.

Details of the production program are being worked out by the Consumers Durable Goods Division of WPB, to be announced simultaneously with an order, now being prepared, which will provide for such production. A plan for distribution of the dehydrators also is being developed by this Division and WFA.

Critical materials required in this manufacture will be drawn from the third quarter allotments of WFA.

Reduced Refrigeration Rates

Producers and shippers of fresh fruits, vegetables and melons will save 10 per cent of present refrigeration charges as a result of a recommendation by the National Perishable Freight Committee, the War Food Administration has announced. The reduced rates became effective July 5.

Folding Box Limitations

Manufacturers have been forbidden to make any folding box from solid or filled kraft board, with or without liners; or from any other paperboard single or double-lined with kraft, except as permitted by Limitation Order L-239, as amended.

Boxes which manufacturers are permitted to make are as follows:

1. Boxes for use as outer containers in parcel post or express shipments.

2. Boxes for packing products containing 25 per cent or more of metal, by weight.

3. Boxes for packing any other product or material determined by the War Production Board to require the protective strength of kraft board and kraft liners because of its weight, design, fragility, or method of packing. Application for such determination should be made by letter, stating the pertinent facts, to the Containers Division, WPB, Washington, D. C., Ref. L-239.

Johnson Given WPB Promotion

The appointment of Roy W. Johnson of Stamford, Connecticut, as Deputy Director of the Facilities Bureau of the War Production Board was announced July 7 by Vice Chairman Donald D. Davis.

Mr. Johnson succeeds Colonel Gordon E. Textor, who has returned to duty with the U. S. Corps of Engineers.

The new Deputy Director came to WPB in December, 1942, to serve as Executive Assistant to Ralph J. Cordiner, then Director General of War Production Scheduling.

New Edition of U. S. Manual

The summer edition of the United States Government Manual, a 707-page reference book on the creation and organization, functions and activities of the Federal departments and agencies, is now available, the Division of Public Inquiries, Office of War Information, has announced.

The edition contains changes through May 15. Statements on all branches of the Government, a list of principal officials, a separate section on the emergency war agencies, and an appendix on agencies abolished, transferred, or consolidated since 1933 are included.

The Manual may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., or at the U. S. Information Center, 1400 Pennsylvania Avenue, N. W. Single copies cost $1; subscriptions covering three editions, $2.75.

MANDATORY GRADE LABELING PROHIBITED BY CONGRESS

(Concluded from page 7751)

as to many commodities where the pricing is based on certain specifications and standards."

In the light of this request, the Senate Committee on July 3 proposed an amendment repealing the Andresen proviso in the OPA appropriation act, and inserted in the pending Commodity Credit Corporation legislation a provision prohibiting any price regulation eliminating trade or brand names or requiring grade labeling. The original Senate proposal likewise required that the Administrator could standardize commodities for price-fixing purposes only where no practicable alternative method existed for securing effective price control; and that prices could be based on standards or grades only where these were in substantial use in the industry affected, "or had been established by some other Government agency."

When this amendment was presented to the Senate on July 6, the latter restriction was changed to read that the use of standards in a price regulation was prohibited,

> "unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another government agency."

In this form the amendment was accepted by the Conference Committee. An explanation of the meaning of the amendment was offered by the House Conferees in the Conference Report presented to the House on July 8. This explanation reads:

The purpose of this amendment to section 2 of the Emergency Price Control Act of 1942, as amended, is to meet the objection that the Price Administrator has exceeded the limitations expressed in section 2 (h) of that act in issuing certain regulations already promulgated.

The first clause prohibits any attempt to eliminate or restrict the use of trade and brand names, and clarifies the original congressional intention on this subject. The second clause prohibits any requirement for grade labeling of any commodity as that term is defined in section 302 (c) of the act. This definition embraces all commodities and products, including hosiery and wearing apparel. The third clause requires that before any commodity may be standardized, the Administrator must determine that no practicable alternative method exists for securing effective price control of the commodity. The fourth clause prohibits the tying of maximum prices to specifications or standards under any circumstances unless such specifications or grades have previously been in wide, general use in the affected industry, or have previously been lawfully required to be used, in the sale of commodities, by some other Government agency acting pursuant to congressional authorization.

Thus price ceilings may be based only on grades and specifications which are in wide, general use in an industry, such as those prevailing in the lumber business; or may be based on legal standards or specifications promulgated under the Food, Drug, and Cosmetic Act or the Federal Meat Inspection Act. But requirements that standards or specifications be used in manufacturing or selling, or that such standards appear on the invoice, are prohibited except where such standards or specifications are in wide, actual commercial use, or are lawfully required by some other government agency, acting pursuant to statute, to be used in the sale of the affected commodities. Voluntary, advisory, warehousing, proposed, or tentative specifications or standards, issued by administrative officials, cannot be written into law merely by being put into maximum price regulations.

Each of these four limitations is made separately applicable to the issuance of maximum price regulations, and is designed to make certain and specific the congressional intent originally embodied in section 2 (h) of the Act. That section provided that "the powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry * * *"

The enactment of this further provision, making clear the circumstances under which the Administrator may act, warrants the repeal of the somewhat broader limitations, recently included in the National War Agency Appropriation Act of 1944, to which the Administrator has objected.

The statement of the Conference Committee appears to be reasonably explicit in its requirement that the standards or specifications incorporated in any price regulation must be "in wide, actual commercial use", or that their use in the sale of commodities be required by some other government agency. Attention also is directed to the statement of the Committee that this prohibition covers a requirement that "such standards appear on the invoice." It does not appear that the present grades established by the Agricultural Marketing Administration of the Department of Agriculture fall within the category of standards or specifications which are lawfully *required* to be used in the sale of canned foods. Nor would the limited use of such grades in the industry appear to warrant a finding that they had previously been in wide, actual commercial use so as to make valid their inclusion in any price regulation.

Glass Sealing Machine Ruling

Equipment used principally by packers for sealing glass containers with metal closures comes within the definition of packaging and labeling machinery and is, therefore, covered by Limitation Order L-83 according to Interpretation 3 of the order issued recently by the War Production Board.

Weinberg Resigns From WPB

War Production Board Chairman Donald Nelson on July 7 announced that Sidney J. Weinberg, Assistant to Chairman, has submitted his resignation on advice of his physicians to get rest and medical treatment.

USDA Wartime Canning Folder

The Department of Agriculture has a new folder, "Wartime Canning of Fruits and Vegetables." Free copies are available by writing the Department's Office of Information, Washington, D. C.